

REMARKS

Claims 1, 3, 5 through 8, 15, 18, 20, and 22 through 28 are now pending in the application. Claim 28 has been amended.

Claims Rejections – 35 USC § 103

The Patent Office rejected claims 1, 3, 5-8, 15, 18, 20 and 22-28 under 35 U.S.C. 103(a) as being unpatentable over White, et al., U.S. Patent Application Publication No. 2005/0049002 (White).

Applicant respectfully traverses. Applicant respectfully submits a *prima facie* case of obviousness has not been established for any one of claims 1, 15 and 23. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Applicant respectfully submits claims 1, 15 and 23 include elements which have not been disclosed, taught or suggested by White. For example, claims 1, 15 and 23 recite a drive capable of receiving a recordable media having content recorded thereon and a converter capable of converting said content recorded on said recordable media to another format. White fails to teach, disclose or suggest a drive capable of receiving a recordable media having content recorded thereon and a converter capable of converting said content recorded on said recordable media to another format.

It is argued in the Office Action that (all emphasis in original):

Applicant is directed to paragraph WHITE et al's [0092] which teaches that "[0092] During operation, electronic device 907 may be mounted within interface 904. Electronic device 907 may also be powered or recharged via power line 910 and communicate with the systems audio system via interface cable or bus line 911. Audio information communicated to electronic device 907 may be transferred to audio system 901 such that a user may listen to selected audio information. For example, a user may have previously selected a plurality of audio files to be transmitted to electronic device 907 Electronic device 905 may communicate the selected audio information to the automobiles audio system that utilizes interface 901 thereby allowing the user to listen to selected audio

information. In one embodiment, cable 908 may be custom-installed to audio system 901. For example, the cable may be coupled to an auxiliary line for the system's radio or may be coupled to CD player line 912 ". As seen on figure 9 and the teaching above, we could see that the cable 908 is coupled to CD player line 912 which is connected to CD player 903, thereafter, the audio files are transferred to portable audio player 907 and the audio from CD player 903 is different format with MP-3 player 907.

However, it is submitted that nothing in the cited portions of the White patent teach the required "a converter configured to convert said content recorded on said recordable media to another format" and "a transceiver configured to transfer said content converted to another format to a memory of a portable player". For the reasons set forth below, the cable that appears to heavily relied upon in the reasoning of the rejection is not disclosed as providing "audio files" *to* the CD player, but instead is employed to provide audio *from* the CD player to the audio system 901.

More specifically, the rejection of the final Office Action relies upon the teaching of White at page 10, particularly paragraphs [0091] through [0093] to allegedly "teach[] that the audio recorded in CD of CD player 903 can be transferred to MP-3 player 907". However, it is submitted that a careful examination of the statements in these paragraphs does not support this contention, or at best could be interpreted in a number of different ways that do not support this contention. Turning first to paragraph [0091], it states (emphasis added):

[0091] FIG. 9 illustrates an automobile console having a mount for an electronic device according to one embodiment of the present invention. Console 900 includes a conventional audio system 901 comprised of a receiver 902 and CD player 903. Interface 904 may be coupled to audio system 901 via plug 905 and cable 908, which may be coupled to an auxiliary line *into* audio system 901. Interface 904 may also include contact 906 for contacting electronic device 907. Cable 908 may be a multiple conductive cable for providing power from the automobiles power system via a protection circuit or fuse 909 for powering electronic device 907. In one embodiment, interface 904 may be operable to recharge electronic device 907 utilizing a power source associated with an automobile.

This portion of the White application does not disclose any transfer of "content converted to another format" to the device 907, and in fact the highlighted portion of this paragraph

appears to indicate that cable 908 carries data *into* the audio system 901, but does not disclose any carrying of data out of the audio system 901 to the device 907, *only* power.

Further, the first portion of paragraph [0092] of White states (emphasis added):

[0092] During operation, electronic device 907 may be mounted within interface 904. Electronic device 907 may also be powered or recharged via power line 910 and communicate with the systems audio system via interface cable or bus line 911. Audio information communicated to electronic device 907 may be transferred to audio system 901 such that a user may listen to selected audio information.

While this portion of the [0091] paragraph mentions “[a]udio information communicated to electronic device 907”, it is ambiguous as to where this “audio information” came from. However, it is clear that audio information is transferred from the device 907 to the audio system 901. Therefore, it is submitted that, one of ordinary skill in the art considering this statement would not understand that the “audio information communicated to the electronic device 907” came *from* the audio system 901, because the last portion of the same sentence clearly states that the “[a]udio information...may be transferred *to* audio system 901”, and it would be pointless and redundant to transfer “audio information” from the audio system 901 (such as from the CD player 903) *to* the device 907 and then *back to* the audio system 901 for listening. Thus, to suggest that this portion of the White disclosure teaches the transfer of audio information from the CD player to the device 907 does not make sense to one of ordinary skill in the art reading this text. The latter part of paragraph [0091] states (emphasis added):

For example, a user may have previously selected a plurality of audio files to be transmitted to electronic device 907. Electronic device 905 [sic - 907] may communicate the selected audio information to the automobiles audio system that utilizes interface 901 thereby allowing the user to listen to selected audio information. In one embodiment, cable 908 may be custom-installed to audio system 901. For example, the cable may be coupled to an auxiliary line for the system's radio or may be coupled to CD player line 912.

Again, this portion of the White application contains a statement regarding transmitting audio files to the device 907 that is ambiguous as to where the audio files originated. Clearly, there is no clear indication of from where the audio files transmitted to the device 907 originated. But again, it is clear that the device 907 “may communicate the

selected audio information to the automobiles audio system". Therefore, it is submitted that any assertion that the "audio files" originated *from* the CD player or audio system 901 is merely speculation.

Paragraph [0093] of the application further states (emphasis added):

[0093] In another embodiment, a radio manufacturer may provide interface 904 as a standard interface integrated into the audio system, thereby allowing communication between electronic device 907, audio system 901 and/or console 900. Electronic device 907 may include a plurality of different types of devices. For example, electronic device 907 may include a PDA device operable to store selected audio information. The information may be either remotely downloaded using an Internet web browser and wireless communication to the PDA device. In another embodiment, selected audio information may communicated to a PDA device via a hard wire coupled to a computer system interfacing with the Internet. In another embodiment, electronic device 907 may include an audio file player operable to play audio files such as MP3s, etc.

In the examples provided in this paragraph for sources for the audio information stored on the device 907, nothing here explicitly states that any of the audio information comes from the audio system 901. In fact, the examples given point away from the audio system 901 as the source of the audio information, as only a computer system is explicitly mentioned, and the example of "remote[] download from the Internet" does not indicate the audio system 901 as the source of the audio information. Thus, again, the text is relatively ambiguous as to the source of the audio information that is loaded onto the PDA, but there is no explicit statement that it comes from the audio system 901.

Finally, in paragraph [0093], the White application states (emphasis added):

[0094] The audio files may be remotely or locally communicated to electronic device 907 and upon coupling to audio system 901, the audio files may be transmitted to audio system 901 in a form receivable by audio system 901. Although the disclosed embodiments have been described in detail, it should be understood that various changes, substitutions and alterations can be made to the embodiments without departing from their spirit and scope.

Yet again, the White application provides only a vague indication of where the audio files originate, stating only that the "audio files may be remotely or locally communicated to electronic device 907", but, more importantly, the text indicates that the information is communicated *before* being connected to the audio system, leading one of ordinary skill

in the art to understand that the audio information did not come from the audio system. It is submitted that the statement that “upon coupling to the audio system 901”, which follows the statement regarding the loading of the audio files on the device 907, indicates to one of ordinary skill in the art that the files are loaded prior to connection to the audio system.

It is therefore submitted that the White patent application does not clearly support the position that White teaches one of ordinary skill in the art a recording station that includes “a drive capable of receiving a recordable media having content recorded thereon” and “a transceiver capable of transferring said content converted to another format to a memory of a portable player wherein said converter is actuated via a button located on said interface”. Furthermore, since there is no clear and unambiguous disclosure of transferring or loading audio files on the device 907 from the audio system 901 or the CD player 903, it is submitted that one of ordinary skill in the art would not recognize the necessity of the presence of “a converter capable of converting said content recorded on said recordable media to another format”, as if there are no audio files being transferred from the audio system 901 to the device 907, there is no need to make any format conversion by any “converter”.

Again it is noted that the White application only discloses two methods of obtaining files. The first method disclosed by White is that audio files may be received through a wireless transmission from an Internet website operable to allow selectivity of audio information such as songs. (White, Paragraph [0020]). The only other disclosed method of receiving audio files is through a network connection (i.e. a hardwire connection) to the Internet by employing a device such as a personal computer. (White, Paragraph [0085]). Nowhere in the disclosure of White teaches receiving content by converting content stored on a recordable media.

It is therefore submitted that the White patent application would not lead one of ordinary skill in the art to the applicant’s claimed invention as defined in claims 1, 15, and 23, especially with the requirements set forth above, and therefore it is submitted that claims 1, 15, and 23 are allowable over the prior art, as well as the claims that depend

from claims 1, 15, and 23.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,

GATEWAY, INC.

By 

Date: Nov. 13, 2006

Jeffrey A. Proehl (Reg. No. 35,987)

Customer No. 24,333

Gateway, Inc.

610 Gateway Dr., Y-04

N. Sioux City, SD 57049

Telephone (605) 232-1967

Fax (605) 232-2612